

REMARKS

Favorable reconsideration of this Application as presently amended and in light of the following discussion is respectfully requested.

After entry of the foregoing Amendment, Claims 7, 8, 10, 11, 13, 14, 16, 17, 19, 20, 28, 29, 31, 32, 34, 35, 37, 38, 40 and 41 are pending in the present Application. Previously withdrawn Claims 42-49 as well as Claims 1-6, 9, 12, 15, 18, 21-27, 30, 33, 36 and 39 are cancelled without prejudice or disclaimer. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 1-3, 5-24, and 26-41 stand rejected under 35 U.S.C. § 102 as being anticipated by Sakoda et al. (U.S. Patent No. 6,563,881, hereinafter Sakoda); and, Claims 4 and 25 stand rejected under 35 U.S.C. § 103 as being unpatentable over Sakoda.¹

REJECTION UNDER 35 U.S.C. § 102

The outstanding Official Action has rejected Claims 1-3, 5-24, and 26-41 under 35 U.S.C. § 102 as being anticipated by Sakoda. The Official Action contends that Sakoda describes all of the Applicants' claimed features. Applicants respectfully traverse the rejection.

In response to Applicant's Amendment filed July 11, 2006, with regard to the currently pending claims, the Official Action noted in the section entitles "Response to Arguments" that:

Second, applicant argues (pages 18-19) that the description in page 26 of applicant's specification is not taught by Sakoda. In response to applicant's argument that the references fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the description in page 26 of applicant's specification) are not recited in the rejected claim(s).

¹ As these claims are cancelled, this rejection is rendered moot.

The above noted explanation is confusing as the features upon which Applicants rely in its filing of July 11, 2006 are indeed explicitly recited in the claims.

For example, Claim 7 recites, *inter alia*, a multi-carrier CDMA radio transmission method, including:

... enabling a transmission rate of the information to be changed by controlling multiplex transmission intervals along a time axis for each user to which the information is to be transmitted. (emphasis added)

Sakoda describes a radio telephone system for transmitting data at rates of 32 kbps, 64 kbps, 96 kbps, and 128 kbps. As shown in Fig. 6, communication is conducted in each of these set channels using a multi-carrier signal having transmission symbols distributed among a plurality of sub-carriers. The transmission symbols of each channel of the plurality of set channels are arranged at intervals of N^{th} power of 2, where N is an arbitrary positive number, with respect to a reference frequency interval.² To this end, a coding unit (102) is provided for coding an information bit stream with a predetermined coding rate. Each bit coded by the coding unit is supplied to a symbol mapping unit (103) and mapped to transmission symbols therein. The transmission symbols generated by the mapping unit are supplied to a null symbol insertion unit. The null symbol insertion unit performs processing to make the symbol rate equal to the maximum transmission rate constantly irrespective of the transmission rate of the original information bit stream by regularly inserting symbols having amplitude of zero depending on the transmission rate obtained at the time.³

Conversely, in an exemplary embodiment of the Applicants' advancements as recited in Claim 7, a transmission rate of information is changed by controlling the amount of multiplex transmission intervals along a time axis for each user to which the information is to be transmitted. Thus, as noted in the Applicant's specification at page 25, an advantage of

² Sakoda at column 9, lines 10-26; Fig. 6

³ Sakoda at column 9, lines 41-49.

this claim feature is that when the transmission rate is to be increased, intervals of data transmission (interval between each adjacent data transmission) are shortened. In this way, the information transmission rate is controlled by controlling the intervals of data transmission.

As Claim 20 recites substantially similar limitations to that discussed above, Applicants respectfully submit that this claim and any corresponding dependent claims are likewise distinguished over the cited reference.

Further, Claim 8 recites, *inter alia*, a multi-carrier CDMA a radio transmission method, including:

... enabling a transmission rate of the information to be changed by controlling the number of modulation levels used when the information symbols to be spread are obtained through data modulation. (emphasis added)

As noted above, in an exemplary embodiment of the Applicant's claimed advancement recited in Claim 8, a transmission rate information is changed by controlling the number of modulation levels used when the information symbols to be spread are obtained through data modulation. Thus, as noted in the Applicant's specification at page 26, an advantage of this claim feature is that when the transmission rate is increased, the number of modulation levels may be increased. For example, by modulating the transmitted data by 16 QAM (**the number of modulation levels: 16**) or 64 QAM (**the number of modulation levels: 64**). Sakoda merely describes the different modulation schemes may be utilized for transmitting data. Likewise, as independent Claim 29 recites the substantially similar limitations to that discussed above, this claim and any corresponding dependent claims are also distinguishable over the cited reference.

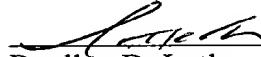
Accordingly, Applicants respectfully request that the rejection of Claims 7, 8, 10, 11, 13, 14, 16, 17, 19, 20, 28, 29, 31, 32, 34, 35, 37, 38, 40 and 41 under 35 U.S.C. § 102 be withdrawn.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 7, 8, 10, 11, 13, 14, 16, 17, 19, 20, 28, 29, 31, 32, 34, 35, 37, 38, 40 and 41, is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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